



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

Mountain  
Plains  
Region

1244 Speer Boulevard  
Denver, CO 80204-3585

RP

Reply to  
Attn. of: SP 96-02

OCT 25 1995

Subject: Waiver Provision Clarification

To: STATE AGENCY DIRECTORS - Colorado ED, Colorado DPHE, Colorado HS,  
(Child Nutrition Programs) Iowa, Kansas, Missouri ED, Missouri DH,  
Montana OPI, Montana DPHHS, Nebraska ED,  
Nebraska SS, North Dakota, South Dakota,  
Utah, Wyoming ED, Wyoming DHSS

For purposes of clarification, we draw your attention to the fact that two separate and distinct waiver provisions have been established in the Child Nutrition Programs in the past 12 months.

A general waiver provision that applies to all of the Child Nutrition Programs was established through Section 112 (d) of Public Law 103-448, the "Healthy Meals for Healthy Americans Act of 1994," enacted November 2, 1994. This waiver provision has not yet been published as a final rule (regulation), but guidance for implementing the provision until such a final rule is published has been disseminated as an attachment to an Agency memorandum to State agencies, SP 95-10/ CACFP-428 / SFSP-267, dated April 19, 1995.

A second waiver provision, one that applies only to the implementation of the 1990 Dietary Guidelines for Americans nutrition standards in the National School Lunch Program (NSLP) and School Breakfast Program (SBP), was published as part of the "School Meal Initiatives for Healthy Children" final rule amending 7 CFR Parts 210 and 220, on June 13, 1995. The waiver provision is stated in paragraphs 210.10 (o) and 220.8 (m) for the NSLP and the SBP, respectively.

Please contact our office if you have any questions.

*Ann C. Degroat*

ANN C. DEGROAT  
Regional Director  
Child Nutrition Programs